



Compel Individual Arbitration [#28] and have stipulated that the claims of Cantu, Chavez, and Evans are compelled to individual arbitration before the American Arbitration Association. The parties have further stipulated that the claims of Elizondo will remain before this Court. Accordingly, the Court will grant in part Defendants' Motion to Compel Individual Arbitration and will order Cantu, Chavez, and Evans to individual arbitration.

The parties' advisory also addresses their agreement as to Plaintiffs' Motion for Conditional Certification [#20]. The parties inform the Court that they have reached an agreement as to the scope of the proposed class and the initial means for determining who should and should not receive court-approved notice of conditional certification. The parties believe the process of identifying those individuals in the proposed class will take up to 45 days and have agreed to toll the statute of limitations for all potential plaintiffs in the proposed class for this time period. The Court will therefore order the parties to file either a revised motion for conditional certification and notice (if there is some dispute that arises during this process) or a stipulation defining the agreed class for conditional certification and notice for the Court's entry within 45 days of this Order, on or before February 3, 2020.

**IT IS THEREFORE ORDERED** that Defendants' Motion to Compel Individual Arbitration [#28] is **GRANTED IN PART**.

**IT IS FURTHER ORDERED** that the claims of Plaintiff Francisco Cantu, Joel Chavez, and Billy Evans, Jr. are **COMPELLED** to individual arbitration before the American Arbitration Association. The claims of these Plaintiffs are hereby **STAYED** during the pendency of the arbitration.

**IT IS FURTHER ORDERED** that the parties file either a revised motion for conditional certification and notice or a stipulation defining the agreed class for conditional certification and notice for the Court's entry on or before **February 3, 2020**.

**IT IS FINALLY ORDERED** that the statute of limitations as to all potential class members is **TOLLED** until **February 3, 2020**.

SIGNED this 19th day of December, 2019.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE